



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,458	12/19/2000	Christopher L. Wong	021756-019600US	8837
51206	7590	07/14/2008	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW LLP			SAINDON, WILLIAM V	
TWO EMBARCADERO CENTER				
8TH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			3623	
			MAIL DATE	DELIVERY MODE
			07/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/742,458	WONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William V. Saindon	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 April 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 19-22,25-27,30,33,35,36,41-59,61-65 and 67-70 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-22,25-27,30,33,35,36,41-59,61-65 and 67-70 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

### **DETAILED ACTION**

1. The following NON FINAL Office Action is in response to Applicant's submission received April 29, 2008. Claims 19, 41, 63, and 70 have been amended. No claims have been added or canceled. Therefore, claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, and 67-70 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 29, 2008 has been entered.

#### ***Response to Amendment***

3. The amendments to the claims are noted and addressed in the response to arguments.

4. The amendment filed April 29, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: see § 112 ¶ 1 rejection below.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

5. Applicant's arguments filed April 29, 2008 have been fully considered but they are not persuasive. Applicant argues:

- I. Joao does not disclose the "plurality" aspects of claim 19, as newly amended. Arguments at 15.
- II. Joao, Knudson, and Donnelly do not disclose that the collected information includes entries submitted by coworkers, subordinates, or other hiring managers of the contractor. Arguments at 16.

**As to argument I,** the Examiner respectfully disagrees. Joao discloses a plurality of staffing requirements (see col. 25, lines 22-35, "requirements ... including ... hiring needs) and a plurality of digital portfolios of a plurality of contractors (see id, "requirements concerning educational credentials, skills, work experience, objectives, and/or any other data and/or information pertinent to [] fulfilling [the employer's] needs;" col. 20, lines 53-63, "utilized by an employer ... in order to fill a job, a position, a project, and/or an assignment;" col. 18, lines 1-6, noting that multiple employers and individuals are stored in the database). Note that all of the above are plural. Therefore, it is clear that Joao anticipates the "plural" nature of the searches and requirements.

**As to argument II,** the Examiner respectfully disagrees. Both Knudson and Donnelly disclose that one intended use of the collected information entries is that the entries were submitted by coworkers, subordinates, and other hiring managers.

At col. 7, lines 15-25, Knudson discloses that the entries are received by a coworker [time approving manager], who submits the entry as approved.

At figs. 37 and 38, and associated text, Donnelly discloses that the HARI skills can be modified, and does not limit the modification to any particular user. When the skills are modified, the entries are then submitted to the database.

Therefore, it is clear that either Knudson or Donnelly disclose who submits the entries.

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 63-65 and 67-69 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, "information storage medium" is not one of the statutory classes. The Examiner suggests "a computer readable medium having tangibly stored thereon a plurality of instructions...," or something similar.

#### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, and 67-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

As to the newly added limitations: "plurality of staffing requirements," "plurality of digital portfolios," and "plurality of contractors," it is not apparent from the specification as to where support for these new limitations can be found, nor has Applicant attempted to point them out.

#### ***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 19-22, 25-27, 30, 33, 35-36, 41-59, 61-65, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US 6,662,194), in view of Knudson et al. (US 5,765,140) (hereinafter Knudson) and Donnelly et al. (US 6,049,776) (hereinafter Donnelly).

**As per claim 19, Joao discloses a system for workforce procurement and management using a hosted network application, comprising:**

at least one web server operable to host applications (col. 3, lines 60-67; col. 12, lines 9-19 and 27-31 ; Figure 1);

at least one database in communication with the web server and operable to store data for applications hosted on the web server (Figure 2, noting the database); and

a workforce procurement and management application hosted on the at least one web server and operable to store data using the at least one database, the workforce procurement and management application including a plurality of modules accessible at varying levels to different participants in a hosted workforce procurement and management process (col. 4, lines 8-12; col. 5, lines 53-64; col. 14, lines 28-45; col. 15, lines 47-62; Figure 2; The system contains a database for maintaining contractor and employer information. Access to the information maintained in the database is limited by authorization.), the modules including:

a skills fulfillment module providing a requirement function for specifying a plurality of staffing requirements for a project (col. 25, lines 25-31, noting employers use the system to enter project requirements including hiring requirements);

an exchange module comprising a search function for matching a digital portfolio of a contractor to the staffing requirement for the project, wherein the contractor is made available to be hired for the project (col. 20, lines 53-63, noting hiring entities use the system to search for contractors to fill positions for projects, and the system is "utilized by an employer ... in order to fill a job, a position, a project, and/or an assignment;" col. 25, lines 25-31, noting "requirements concerning educational credentials, skills, work

experience, objectives, and/or any other data and/or information pertinent to [] fulfilling [the employer's] needs;" col. 18, lines 1-6, noting that multiple employers and individuals are stored in the database) and a settlement function for tracking expenditures on the project (col. 34, lines 33-46; The system maintains financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.); and

a knowledge management module comprising a reporting function and an analysis function, the analysis function monitoring an event of the workforce procurement and management application and the reporting function notifying a participant in the hosted workforce procurement and management process based on the event (col. 22, lines 42-53; col. 25, line 66-col. 26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors; col. 23, lines 35-52, noting "if ... the employer is interested in pursing discussions" [monitored event occurs], the computer system will "notify the individual by transmitting a message" [notification occurs]).

But Joao does not expressly disclose a resource management module comprising a work journal function for collecting information substantially daily about work performed on the project by the hired contractor and automatically updating the digital portfolio of the hired contractor such that the search function of the exchange module has access to current portfolio data for the contractor, the collected information including at least one of performance review information for the hired contractor for the work performed on the project, new skill level information for the hired contractor obtained on the project, new skills obtained by the hired contractor on the project, and

updated experience information for the hired contractor as a result of the work performed on the project, such that the digital portfolio data for the hired contractor remains current with skill, experience, and review information for the hired contractor.

However, Knudson discloses a resource management module comprising a work journal function for collecting information about work performed on the project by a hired contractor and automatically updating the digital portfolio of the contractor such that the search function of the exchange module has access to current portfolio data for the contractor, the collected information capable of including entries submitted by coworkers, subordinates, and other hiring managers of the contractor (col. 6, lines 10-14, 48-51 and 62-67; col. 7, lines 15-25 and 30-47; col. 9, lines 30-31; An assignments table is used to maintain assigned tasks for users including the description of the task and the identity of the user responsible for completing the task. Additionally, users update the assignments table through their timesheets, in which they enter the expended time for each of their assigned tasks. The task information entered by users includes performance information relating to actual versus planned work progress and the time information is automatically fed back to the project management tool and the assignments table maintained in the master database, where the project management tool is used to assign resources/workers to projects and tasks (col. 4, lines 55-59; col. 5, lines 44-53). Furthermore, Knudson discloses collecting information "periodically" at col. 7, lines 15-47).

A simple substitution from collecting time sheet information weekly to daily is well within the ordinary skill level in the art. Therefore, it would have been obvious to a

person having ordinary skill in the art at the time of invention that the "periodic" collection of time sheet information in Knudson could be daily, producing a predictable result.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Joaо to utilize a work journal function as disclosed in Knudson because the information maintained in the work journal function would provide employers with additional criteria with which to search for/filter through potential contractors, where the additional criteria provides employers with information relating to the contractor's daily work experience, performance and skills, thereby enhancing the comprehensiveness and accuracy of the search feature provided to employers seeking contractors for project assignments.

Furthermore, Donnelly discloses a resource management module comprising a work journal function for collecting information about work performed on the project by the hired contractor and automatically updating the digital portfolio of the contractor such that the search function of the exchange module has access to current portfolio data for the contractor, the collected information including new skills obtained by the contractor, the collected information capable of including entries submitted by coworkers, subordinates, and other hiring managers of the contractor (col. 23, lines 63 *et seq.*, noting that the new skills are added to the employee portfolio, which is automatically reflected in the database holding such information; figs. 37 and 38).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Joaо to utilize a work journal function as disclosed in Donnelly

because the information maintained in the work journal function would provide employers with additional criteria with which to search for/filter through potential contractors, where the additional criteria provides employers with information relating to the contractors work experience, performance and skills, thereby enhancing the comprehensiveness and accuracy of the search feature provided to employers seeking contractors for project assignments.

**As per claim 20,** Joao discloses the system of claim 19, wherein the exchange module further comprises: a sourcing function for specifying sourcing preference and rules for a project and a transaction management function for managing a hiring process including sourcing, interviewing, and negotiation (col. 24, lines 37-49; col. 25, lines 24-30; col. 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the hiring process.).

**As per claim 21,** Joao discloses the system of claim 19, wherein the skills fulfillment module further comprises:

a request for proposal (RFP) function for entering an RFP (col. 24, lines 37-49; col. 32, lines 30-38; The system allows contractors and employers to submits offers and counteroffers to each other as well as have bidding for projects.);

a work order function for documenting terms and conditions of a project and a purchase order function for generating a purchase order in response to an approved work order (col. 33, line 53-co1.34, line 11; The system maintains project-specific information such as project requirements, hirings and schedules. The system also maintains financial information associated with payment of contractors for work on a

project. Thus, a work order can include a requirement to hire a contractor and the purchase order can include the offering of a job to a contractor.);

a logistics management function for facilitating the logistical components of a hiring process including management of blood testing, badging, and facilities (col. 24, lines 34-49; The system allows for the management of employee screening and hiring processes.);

a fulfillment management function for managing the fulfillment of sourcing requirements, including maintaining a status of sourcing requirements (col. 24, lines 37-49; col. 25, lines 24-30; col. 39, lines 33-39; col. 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the hiring process. The system maintains status information as to whether a deal has been reached between a contractor and an employer.);

a risk management function for facilitating the pre-qualification of a contractor and a consultant and for monitoring compliance with government rules and regulations (col. 24, lines 34-49; col. 25, lines 25-31; col. 40, lines 59-65; Employers enter requirements of contractors for certain projects. Potential contractors are screened to ensure they meet those requirements before they are hired.).

**As per claim 22,** Joao discloses the system of claim 19, wherein the resource management module further comprises tracking expenses (col. 34, lines 33-46; The system maintains financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.). Joao also discloses creating reports on contractor and employer data, which is stored in the database(s) (col. 22, lines 42-53; col. 25, line 66-

col. 26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors.). However, Joao does not expressly disclose an expense reporting function. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Joao to report on the expenses that are tracked in the database(s) since Joao already has the ability to report on data stored in the database(s), and further, an expense report would enable employers to easily and efficiently view expense data for each project, thus enhancing the overall management of projects.

**As per claim 25,** Joao discloses the system of claim 19, wherein the staffing requirement includes a list of Staffing suppliers, and a list of skills, and wherein the staffing requirement is generated by the analysis function (col. 25, lines 25-31; col. 25, line 66-col. 26, line 10; The system provides reports to employers seeking contractors based on the employers' staffing requirements, including skills.).

**As per claim 26,** Joao discloses the method and system of claim 19, wherein the different participants include a contractor who is an individual contingent worker, a client who is an employee of an enterprise, a recruiter who sells a service of finding contingent workers, and a staffing supplier who sells a service of finding contingent workers, including finding multiple contingent workers to staff a project (col. 11, lines 45-67), wherein the different participants have varying levels of access to the hosted network application based upon attributes, wherein attributes include personal attributes associated with a participant, and enterprise attributes associated with an enterprise using the hosted network application (col. 15, lines 1-22; The database contains

personal information about the users of the system. Access to the information may be restricted to certain users.).

**As per claim 27,** Joao does not expressly disclose the system of claim 19, wherein the work journal function comprises: receiving data into a work journal data entity, wherein the entered data comprises, hours worked by the hired contractor, type of work done by the hired contractor and comments regarding work done by the hired contractor; and receiving an approval of the work journal data entity. Knudson discloses the work journal function comprises: receiving data into a work journal data entity, wherein the entered data comprises, hours worked by the hired contractor, type of work done by the hired contractor and comments regarding work done by the hired contractor; and receiving an approval of the work journal data entity (col. 6, lines 48-51 and 62-67; col. 7, lines 18-25; Users enter the expended time for each of their assigned tasks as well as comments. Approving managers-approve the time sheet data entered by the users.). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Joao to have a contractor essentially use a time sheet that tracks hours worked and type of work done and have the time sheet data approved as disclosed by Knudson because doing so ensures that contractors are working the hours they say they are working, which helps to keep an accurate schedule of work performed, which, in turn, assists employers in their search for contractors, as in the system of Joao, employers use contractors' schedules and experience information as search criteria to match potential contractors with particular projects.

**As per claim 30,** Joao discloses the system of claim 21, wherein the work order function comprises; generating a work order based upon a successful search for a contractor, reviewing the work order at least one level in order to determine whether to approve the work order, if the work order is not approved, returning the work order to a level below the level at which it was not approved and collecting data regarding the work order, approval, and failure to approve in the database, wherein the knowledge management module accesses the collected data (col. 16, lines 33-50; The database contains information about the contractors who have been approved in advance to work for a specific employer as well as information about the contractors who have not been approved in advance to work for a specific employer.).

**As per claim 33,** Joao discloses the system of claim 21, wherein the request for proposal function comprises receiving a request for proposal including a list of required contingent workers and their associated skills, linking the request for proposal with a project specification that includes data regarding a project to be staffed, generating a search based upon the request for proposal and the project specification, wherein the search uses the exchange module, broadcasting at least part of the request for proposal to publicly accessible applications, receiving responses to the request for proposal, conducting bargaining based upon responses to the request for proposal including auctions and reverse auctions (col. 24, lines 37-49; col. 32, lines 30-38 and 47-65; The system allows contractors and employers to submits offers and counteroffers to each other as well as conduct bidding and auctioning on projects. The bidding and auctioning can occur via email.).

**As per claim 35,** Joao discloses the system of claim 19, wherein the analysis function comprises: automatically performing an analysis of at least one report based upon criteria selected by a participant and receiving a change of at least one attribute based upon a review of the analysis by the participant (col. 22, lines 42-53; col. 25, line 66-co1.26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors. Contractors and employers can update/review their searches to achieve different results.).

**As per claim 36,** Joao discloses the system of claim 19, wherein the hosted network application is hosted on the Internet (col. 13, lines 23-34).

**As per claim 58,** Joao does not expressly disclose the system of claim 19, wherein the work journal function further comprises a work journal approval function that receives a review of the work performed by the hired contractor. Knudson discloses the work journal approval function receiving a review of the work performed by the hired contractor (col. 7, lines 18-25). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Joao to have a work journal approval function that receives a review of the work performed by the hired contractor because doing so would provide employers with contractors' performance information, thereby enabling employers to make more informed decisions with more criteria when they search for potential contractors for project work as previous work performance is a common criteria used when making hiring decisions.

**As per claim 59,** Joao discloses the system of claim 19, wherein the search function comprises: performing a search for a contingent position based upon criteria

entered by a contractor, wherein the contingent position is associated with a project (col. 11, lines 45-67; col. 20, lines 53-63; col. 24, lines 37-49; col. 32, lines 30-38 and 47-51 ; Contractors search for contingent positions, in that the positions are conditional upon meeting the hiring requirements of the employer seeking to hire a contractor for a particular project.).

**As per claim 61, Joao** discloses the system of claim 19, further comprising a digital portfolio function including: populating a first of a plurality of digital portfolios, each for a different contractor, with data extracted from an electronic resume and populating a second of the plurality of digital portfolios with data from systems external to the hosted network application (col. 22, lines 13-20; col. 23, lines 44-52; Digital portfolios for each contractor are populated from resume data as well as from answers submitted via a questionnaire by the contractor (i.e., external to the application). Contractors may also upload additional data such as transcripts and work samples, not part of a resume (i.e., external to the application).

**Claims 41-57, 60 and 62-70** recite substantially similar subject matter as claims 19-22, 25-27, 30, 33, 35-36, 58-59 and 61 above. Therefore, claims 41-57, 60 and 62-70 are rejected on the same basis as claims 19-22, 25-27, 30, 33, 35-36, 58-59 and 61 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Saindon whose telephone number is (571)270-3026. The examiner can normally be reached on M-F 7:30-5; alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/wvs/

/Beth Van Doren/  
Supervisory Patent Examiner, Art Unit 3623